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6   UNITED STATES DISTRICT COURT
                                WESTERN DISTRICT OF WASHINGTON
7   AT SEATTLE

8 UNITED STATES OF AMERICA,   )
)
9   Plaintiff,   )   Case No. CR02-35-JCC
)
10   v.   )   **PROPOSED FINDINGS OF FACT**
)   **AND DETERMINATION AS TO**
11 TYRONNE BEVOLEY,   )   **ALLEGED VIOLATIONS OF**
)   **SUPERVISED RELEASE**
12   Defendant.   )

13   INTRODUCTION

14   I conducted a hearing on alleged violations of supervised release in this case on October 25,

15 2010. The defendant appeared pursuant to warrant issued in this case. The United States was

16 represented by Tessa Gorman, and defendant was represented by Catherine Chaney. Also

17 present was U.S. Probation Officer Brian K. Facklam. The proceedings were digitally recorded.

18   SENTENCE AND PRIOR ACTION

19   Defendant was sentenced on October 4, 2002 by the Honorable John C. Coughenour for

20 Distribution of Cocaine. He received 84 months of detention and 3 years of supervised release.

21   On March 1, 2009, a violation report and request for no action was submitted alleging that

22 Mr. Bevoley had violated his conditions of supervision by smoking marijuana. No action was

23 taken by the Court.

PROPOSED FINDINGS OF FACT AND DETERMINATION AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE - 1

1   On August 28, 2009, a violation report and warrant request was submitted alleging that Mr.

2 Bevoley had violated his condition of supervision by using cocaine on two occasions, failing to

3 appear for drug testing, failing to report as directed, and failing to participate in drug treatment.

4 He admitted to all of the violations except for one, and his supervision was revoked on January

5 29, 2010. He received a sentence of 3 months detention (with credit for time served) followed

6 by 30 months of supervised release. He completed his prison term and began supervised release

7 on March 19, 2010.

8   On April 13, 2010, a violation report and warrant request was submitted alleging that Mr.

9 Bevoley had violated his conditions of supervision by failing to satisfactorily participate in a

10 residential reentry center program 9RRC) and by using cocaine. He ultimately admitted to these

11 violations and on June 2, 2010, he received a sentence of time served (approximately 8 days

12 detention), along with a condition of up to 120 days RRC placement.

13   Mr. Bevoley reported to the RRC on June 10, 2010. On June 25, 2010, Mr. Bevoley was

14 approved for a 30 day inpatient drug treatment program through the Washington State

15 Department of Social Health Services (DSHS) drug treatment program (ADATSA). He was

16 released from the RRC and he reported to the inpatient drug treatment program in Spokane, WA

17 on June 26, 2010.

18   PRESENTLY ALLEGED VIOLATIONS

19   In a petition dated August 16, 2010, U.S. Probation Officer Brian K. Facklam alleged that

20 defendant violated the following conditions of supervised release:

21   1.   Failing to participate as instructed in a drug treatment program as directed by the

22 probation office in violation of special condition 1.

23   2.   Using cocaine on or before July 24, 2010, in violation of standard condition 7.

PROPOSED FINDINGS OF FACT AND DETERMINATION AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE - 2

1   3.   Using cocaine on or before August 3, 2010, in violation of standard condition 7.

2   4.   Using cocaine on or before August 11, 2010, in violation of standard condition 7.

3   FINDINGS FOLLOWING EVIDENTIARY HEARING

4   Defendant admitted the above violations, waived any hearing as to whether they occurred,

5 and was informed the matter would be set for a disposition hearing November 5, 2010 at 9.a.m.

6 before District Judge John C. Coughenour.

7   RECOMMENDED FINDINGS AND CONCLUSIONS

8   Based upon the foregoing, I recommend the court find that defendant has violated the

9 conditions of his supervised release as alleged above, and conduct a disposition hearing.

10   DATED this 25th day of October, 2010.

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14   _____
       BRIAN A. TSUCHIDA
       United States Magistrate Judge

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PROPOSED FINDINGS OF FACT AND DETERMINATION AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE - 3